

**PHARMACY EXAMINING BOARD
MINUTES
MADISON, WI**

October 8, 2002

PRESENT: Cynthia Benning, R.Ph.; Michael Bettiga, R.Ph.; John Bohlman, R.Ph.; Georgina Forbes, Dan Luce, R.Ph.; Charlotte Rasmussen, and Susan Sutter, R.Ph.

STAFF PRESENT: Mary Forseth, Bureau Director (filled in for Deanna Zychowski); William Black, Legal Counsel; Gina York, Program Assistant; and Division of Enforcement staff for portions of the meeting.

GUESTS: Franklin LaDien, Walgreen Company; Mark Zwaska, Oconomowoc; Melissa Ebbers, Dean Pharmacy; Jamie Statz-Paynter, Dean Pharmacy; Shelley Raebel, Purdue Pharmacy; Tom Engels, PSW; Jennifer Kupczyk

CALL TO ORDER

Sue Sutter, Chair, called the meeting to order at 9:00 a.m. A quorum of seven members was present.

AGENDA

Additions/Changes to the Agenda:

- ◆ Add to end of Item B: Practice Questions Items
- ◆ Add to end of Item B: Variance Requests Items
- ◆ Add after Item L: Deliberation of Craig Phillips Stipulation.

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the agenda as amended. Motion carried unanimously.

DEPUTY SECRETARY GREG HORSTMAN

Deputy Secretary Greg Horstman provided an update to the Board regarding the Budget and Services Committee meeting. The base budget is in for this year. Mr. Horstman encouraged the Board to continue to communicate with the Department about desired services and budget issues.

Mr. Horstman also shared information regarding the filling of Department's new positions and vacancies. We are currently filling three PA Supervisor positions for the Credentialing area and the IPP program position vacancy. Mr. Horstman would like feedback from the Board on the IPP program itself, the IPP position's role, and any future program objectives. Barbara Showers shared a copy of the Board's "Impaired Professionals Procedure Decision Points" that was signed in February 1994 by the Pharmacy Board. She asked that the Board review the document and share any concerns with her. Ms. Showers also introduced Darwin Tichenor as the person who is

covering the IPP position duties until it is filled permanently. At this time the Board Liaison for IPP is Dan Luce. Susan Sutter would like to review the guidelines for IPP. Ms. Showers will have them included in the next agenda packet.

There has been a Speakers Task Force on State Budget Review developed for state agencies to explain their role and responsibilities and ways to improve agency operations. The Department of Regulation and Licensing will be attending this meeting on October 29, 2002.

MINUTES OF SEPTEMBER 10, 2002

Corrections to the Minutes:

- ◆ Page 2: Change title “CNABP” to “NABP”
- ◆ Page 3: Delete the section “Distributors /Manufactures Application Forms”
- ◆ Page 6: Administrative Warning Section change case number prefix 00 to 02.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the minutes of September 10, 2002, as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

Attorney Jim Harris presented proposed stipulations concerning Sniteman Pharmacy, Inc, David C. Klieforth, R.Ph and William C. Weiler, R.Ph; Harold E. McEuen, R.Ph; First Community Care, LCC and Craig Phillip, R.Ph. to the Board.

SUMMARY REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

A handout of pending cases was distributed. Nothing at this time needed further discussion.

MEETING WITH DEPARTMENT OF HEALTH AND FAMILY SERVICES RELATING TO COMMERCIAL NUCLEAR RADIOPHARMACIES

Susan Sutter and William Black shared information obtained at the meeting with the Department of Health and Family Services regarding the regulation of pharmacists in practice as a nuclear pharmacist. It was concluded during this meeting that Ms. Sutter and Mr. Black will continuing working with DHFS regarding this issue and the development of related rules. It was emphasized that DRL pharmacy rules should be referred to when developing the new rules for nuclear pharmacies. It was also indicated that DHFS would be responsible for licensing this profession. Secretary Herrera has briefed the Governor on this issue and the Board can retract the draft letter if it so wishes.

MOTION: Michael Bettiga moved, seconded by Dan Luce, to retract the draft letter of notice to the Governor and allow DHFS to develop rules and licensure for this profession and clean up the rules with the assistance of the Pharmacy Examining Board. John Bohlman opposed. Motion carried.

SCOPE STATEMENT – REDUCING NUMBER OF DAYS

There was a brief discussion and review by the Board regarding Phar 2.02 (1) to change the language to reduce the number of days from 45 to 30 for submission of original applications prior to the examination date.

MOTION: Cynthia Benning moved, seconded by John Bohlman, to accept the scope statement as written. Motion carried unanimously.

CENTRAL FILL

This topic was tabled by the Board and should be included on the next meeting agenda.

REVIEW OF SECOND REVISION OF FORMAL PHARMACY AND PHARMACISTS APPLICATION FORMS

The Board completed an in-depth form review with Kris Hendrickson. A third draft will be presented at the next Board meeting.

The Board also asked to review the current Distributor's and Manufacturer's application forms with Ms. Hendrickson at the November Board meeting.

ACTIVE PRACTICE OF PHARMACY WORKSHEET

This was discussed briefly and tabled by the Board to be reviewed at the November Board meeting.

SUBMISSION OF SELF-INSPECTION REPORT

William Black shared basic information with the Board regarding the self-inspection report which should be submitted before the license is issued and before opening day.

SUBMISSION OF CLOSING AFFIDAVIT

William Black shared basic information with the Board regarding the closing affidavit which should be submitted ten days after closing.

VARIANCE REQUESTS

AGNESIAN HEALTHCARE (FOND DU LAC)

This was referred to William Black, Legal Counsel for response.

HEALTH CARE PHARMACY LAND O' LAKES

This was referred to William Black, Legal Counsel for response.

PRACTICE QUESTIONS

The Board reviewed the practice questions and directed legal counsel to respond.

NABP REPORT ON XYREM

The Board reviewed and noted.

NABP ACCREDITATION OF LEBANESE AMERICAN U. SCHOOL OF PHARMACY AND RECOGNITION OF CANADIAN ACCREDITATION

The Board reviewed and noted.

REPORT ON CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported that the Scope Statement was approved to follow the federal requirements and legislation regarding GHB/GBL. Some revisions will be made later as needed. Ms. Benning will keep the Board informed of any additional information.

AJOURN TO CLOSED SESSION

MOTION: Dan Luce moved, seconded by Michael Bettiga, to allow Mark Zwaska to observe the Closed Session. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g), to review applications; deliberate on requests for stay of suspensions, modification of orders, reinstatements of stay of suspensions, proposed stipulations, case closings, and administrative warnings; review exam issues; and, consult with Legal Counsel. Roll Call Vote: Charlotte Rasmussen-yes; John Bohlman-yes; Michael Bettiga-yes; Dan Luce-yes; Cynthia Benning-yes; Georgina Forbes-yes; Susan Sutter-yes. Motion carried unanimously.

Open session recessed at 11:08 a.m.

RECONVENE TO OPEN SESSION

MOTION: Michael Bettiga moved, seconded by Dan Luce, to reconvene the meeting into Open Session at 11:35 a.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN
CLOSED SESSION, IF VOTING IS APPROPRIATE**

STIPULATIONS

**SNITEMAN PHARMACY, INC., (NEILLSVILLE)
DAVID C, KLIEFORTH, R.Ph.
AND WILLIAM C. WEILER, R.Ph.**

MOTION: Dan Luce moved, seconded by Michael Bettiga, to adopt the proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Sniteman Pharmacy, Inc. Motion carried unanimously.

HAROLD E. MC EUEN, R.Ph.

MOTION: Michael Bettiga moved, seconded by Dan Luce, to adopt the Proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Harold E. McEuen, R.Ph. Motion carried unanimously.

CRAIG M. PHILLIPS, R.Ph.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to adopt the Proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Craig M. Phillips, R.Ph. Motion carried unanimously.

FIRST COMMUNITY CARE, LLC. (WAUKESHA)

MOTION: John Bohlman moved, seconded by Michael Bettiga, to adopt the Proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of First Community Care, LLC. Motion carried unanimously.

REQUESTS RELATING TO FULL LICENSURE

MARK OWENS, R.Ph.

MOTION: Cynthia Benning move, seconded by Dan Luce to grant full licensure to Mark Owens, R. Ph. Motion carried unanimously.

**REQUESTS RELATING TO STAYS OF SUSPENSIONS
AND/OR MODIFICATIONS**

ROBERT GUZZETTA, R.Ph.

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant Robert Guzzetta a three-month stay of suspension with modifications to decrease the panel screen for pemoline to once per month. Motion carried unanimously.

MARK ANDERSON, R.Ph.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant Mark Anderson a three-month stay of suspension without modifications. Motion carried unanimously.

KEVIN PAMPUCH, R.Ph.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant Kevin Pampuch a three-month stay of suspension with denial of request regarding change in therapy. Motion carried unanimously.

JOHN LITZENBERG, R.Ph.

MOTION: John Bohlman moved, seconded by Cynthia Benning, to grant John Litzenberg a three-month stay of suspension. Dan Luce abstained. Motion carried.

CRAIG MOON, R.Ph.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant Craig Moon a three-month stay of suspension. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

ANGELA CARLSON

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to issue an administrative warning for Angela Carlson. Motion carried unanimously.

AURORA PHARMACIES

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to issue an administrative warning in the matter of Aurora Pharmacies. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to close the case regarding Richard Stolvenburg in this matter. Motion carried unanimously.

POLICY AND PROCEDURES REVIEW

JEFFREY LANGFORD, R.Ph.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve the policy and procedures with the modification of stipulation. The CE classes submitted the constipation class is approved but not the prostate cancer class. Motion carried unanimously.

CASE CLOSINGS

MOTION: John Bohlman moved, seconded by Cynthia Benning, to close complaint **01 PHM 031**, for insufficient evidence. Motion carried unanimously.

EXAMINATION ISSUES

CASEY BROWN

MOTION: John Bohlman moved, seconded by Michael Bettiga, to validate the exam results. Motion carried unanimously.

REGULATORY DIGEST

Nothing at this time.

INFORMATIONAL ISSUES

The Board noted that Charlotte Rasmussen's replacement has not yet been confirmed and Ms. Rasmussen will continue her Board membership at this time. All other the information items noted.

ADJOURNMENT

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 12:48 p.m.